

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TRUSTEES OF THE BRICKLAYERS &
ALLIED CRAFTWORKERS LOCAL 13
DEFINED CONTRIBUTION PENSION
TRUST FOR SOUTHERN NEVADA, *et al.*,

Case No.: 2:16-cv-1067-GMN-GWF

ORDER

Plaintiffs,
vs.
TITLE CONCEPTS, INC., *et al.*,
Defendants.

Pending before the Court is the Report and Recommendation of United States Magistrate Judge George W. Foley, Jr., (ECF No. 13), which states that the Motion for Default Judgment, (ECF No. 9), be granted and that judgment be entered in favor of Plaintiffs.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a de novo determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See, e.g., United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

1 Here, no objections were filed, and the deadline to do so has passed.

2 Accordingly,

3 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 13), is
4 **ADOPTED** in full.

5 **IT IS FURTHER ORDERED** that Plaintiffs' Motion for Default Judgment against
6 Defendants Tile Concepts, Inc., and Michael R. Trimble, (ECF No. 9), be granted and that
7 judgment be entered in favor of Plaintiffs as follows:

- 8 1. Defendants shall submit to an audit conducted by an independent third party of
9 Plaintiffs' choosing within 14 days of the date of the Judgment to determine the
10 exact amounts of unpaid fringe benefit contributions due.
- 11 2. The Court shall retain jurisdiction over this matter in order to amend the judgment
12 upon the determination of total amounts owed by Defendants. Such amended
13 judgment shall include all additional interest, liquidated damages, and attorney's
14 fees and costs as outlined by the parties' collective bargaining agreement and 29 U.S.C.
15 § 1132(g)(2).

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17 The Clerk of Court is instructed to enter judgment accordingly.

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19 **DATED** this 26 day of January, 2017.

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Gloria M. Navarro, Chief Judge
United States District Court